

RECEIVED

**Sholom Elberg
1281 Carroll St.
Brooklyn, NY 11213**

**MAR 23 2012
in the Chambers of
Judge
OLAS G. GARAUFI**

March 21, 2012

Judge Garaufis
United States District Court
Eastern District of NY
225 Cadman Plaza East
Brooklyn, NY 11201

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E.D.N.Y.
★ **MAR 23 2012** ★

BROOKLYN OFFICE

Your Honor:

My name is Sholom Elberg and it has been over eight years since I first applied to the FDNY (List #5702, Exam2043). Despite passing all physical and psychological and written examinations for the New York City Fire Department with the highest grades I believe I was discriminated against due to my Jewish heritage (my family are Hassidic Jews).

After a couple of years I was removed from the list from the fire department. When I asked my Councilmen Bill de Blasio and Brad Lander, to look into this further, Councilman De Blasio made inquiries on my behalf to find why I was removed. The Councilman was advised that my test score was too low as it seemed the box for New York residency was unchecked.

I am a lifelong New Yorker born in Brooklyn. I distinctly remember the proctor for the test announcing that if you are a New York resident to check the box indicating same as it will give five extra points on the exam. I did check the box and told the Councilmen this. During the interview processes I was required to provide various proofs of my residency, which would be odd if the FDNY did not have me listed as a New York City resident. However, the discrepancy remains in that I was never awarded my five NYC residency points, after providing ample proof of being a life-long resident.

After being told that I was not awarded these points, I asked to receive a copy of my exam as I believed I had checked the box and that my test paper was changed. Councilman De'Blasio and Brad Lander's office both requested in writing from Assistant Commissioner Thomas Patitucci a copy of the test and both times were denied by DCAS. Both Councilmen contacted the FDNY and DCAS to request that the five residency points be added and both times were denied. If the residency listing was changed then I believe that other answers could have been changed to reduce my grade. Because of the problems in retrieving my test paper, I am convinced that my paper was altered to prevent "Sholom Elberg" from joining the ranks of the FDNY.

Becoming a NYC firefighter has been my life's dream and passion, and although I was cut from the list I have done everything possible to fight for my chance of gaining a place in the academy. I have gone as far as writing letters to Mayor Bloomberg, going to DCAS, contacting the Vulcan Society, contacting Marty Markowitz, (borough president's office) and

have even applied to take the written exam once again. Unfortunately, all of my efforts have led me to a "dead end". DCAS informed me that although I am eligible to re-take the written exam, I am likely to be cut during the investigation process due to my age, which is beyond frustrating to hear. No one has been willing to help me in what has been an unjust situation, and frankly I have not been able to afford a private attorney. I wish to be included in your discrimination suit against the Fire Department. This being said, I do not wish to receive any financial compensation from it, I only desire to obtain admittance into the academy. Below in detail is the history of my efforts to Join the FDNY.

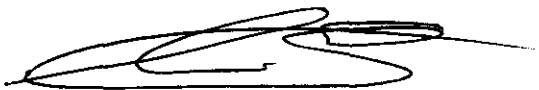
I completed an application in 2002 in order to take the 2003 written exam. A few months prior, I attended The Knights of Columbus in Bensonhurst, Brooklyn to prep for the written exam and took other courses.

In January 2003 I took the written exam and passed with a score of 88.235. The following Fall I passed my Physical Exam with a score of 100%. A notice soon followed stating that for Exam #2043 the final average score was a 92.290%, hence giving me placement on the list for the Academy. Being three credits shy of the then minimum 30 credit requirement for the academy; I enrolled at Hunter College to maintain eligibility. As records indicate, I easily cleared the background check and passed both the medical and psychological examinations.

Margie Prather (FDNY-Head of investigations) and Marilyn Woodward (FDNY-Investigator), my Personal Investigation Officer at the time, were witness to my dedicated and extraordinary pursuit. During the period of time in which my background check was being conducted, I was asked to submit proof of residency (birth certificate, social security card, driver's license, etc.). Being a time sensitive process, Margie Prather provided a letter for me to quickly obtain the imperative documents. Any and all documents requested were always hand-delivered by me to ensure that they were received in a timely fashion and delivered to the appropriate person. My belief is "One must do what others are unwilling to do to achieve one's goal."

Honorable Judge Garaufis I thank you for reading my letter and giving my situation consideration. In addition, I am able to provide proof of all that I have stated above. Again, my objective is to gain reconsideration of admittance into the academy, which should be granted on the premises that I not only met but exceeded all of the FDNY's requirements. My intention is to earn my position among the FDNY, not be given it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sholom Elberg', with a stylized flourish at the end.

Sholom "Sam" Elberg

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